

the church, the right of nomination of the precentor was found to be thereby conferred upon the town.

No 33.

Fol. Dic. v. 4. p. 195. Kilkerran.

* * * This case is No 9. p. 7916., *voce* KIRK.

1741. *July.* Principal CLERKS of SESSION *against* EXTRACTORS.

THE Clerks of Session, in February 1739, having made a table of regulations to be observed by the Extractors, and the Extractors having refused to comply with these regulations, six of them were dismissed by the Clerks, because of their obstinacy. This produced a remonstrance from the Extractors to the Court, complaining of the regulations as hard upon them, and insisting that they were possessed of a standing office in the Court, that it was their freehold, of which they could not be divested except upon malversation, tried in a court of law. THE COURT first found, "That the Clerks of Session cannot arbitrarily remove their servants, the Extractors, without cause." But the Clerks, in a reclaiming petition, having set furth, that the extracting of acts and decreets is a part of their office; that it is their subscription which gives faith and authority to an extract, and that the Extractor is really and truly their amanuensis; that the Extractors are not even members of the College of Justice; and that, as the Clerks are liable for all the writings produced in Court, of which the Extractor must have the custody, when employed in extracting acts and decreets, it would be extremely hard upon the Clerks, if they could not turn out their servants upon suspicion, when, in most cases, it is impracticable to bring a regular proof of malversing.

"THE COURT altered, and found the Extractors to be servants removeable at pleasure."

Rem. Dec. v. 2. No 20. p. 35.

No 34.
Extractors
are servants
to the Clerks
of Session,
removeable at
pleasure.

1746. *July 29.* JOHN PRINGLE *against* QUARTERMASTER COOKE.

JOHN PRINGLE writer to the signet, factor on the sequestrated estate of Stanhope, gave in a petition, shewing that James Sinclair, a tenant on the said estate, having been for some time absent from his family, and being suspected of having joined in the Rebellion, a party of St George's dragoons, then lying at Broughton, had seized and carried away his stocking off his farm, and praying the directions of the Court, how he should behave for the security of the creditors.

No 35.
Soldiers may
not, at their
own hands,
intromit with
the effects of
persons alleg-
ed to have
been rebels.